

1 THOMAS A. ERICSSON, ESQ.
Nevada Bar No. 4982
2 Oronoz & Ericsson, LLC
1050 Indigo Drive, Suite 120
3 Las Vegas, Nevada 89145
Telephone: (702) 878-2889
4 Facsimile: (702) 522-1542
tom@oronozlawyers.com
5 *Attorney for Javier Lugo Leyva*

6
7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9
10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 vs.

13 JAVIER LUGO LEYVA, aka JOSE JULIAN
CORDOVA OBRADOR, aka PEDRO
14 CASTRO-MEDINA,

15 Defendant.

CASE NO.: 2:18-cr-400-JAD-EJY-2

**STIPULATION TO CONTINUE
SENTENCING**

(FIRST REQUEST)

16 IT IS HEREBY STIPULATED AND AGREED, by Defendant Javier Lugo Leyva, by
17 and through his attorney, Thomas A. Ericsson, Esq., and the United States of America, by and
18 through Nicholas A. Trutanich, United States Attorney, and Kevin Schiff, Assistant United
19 States Attorney, that the sentencing hearing currently scheduled for December 16, 2019, at
20 the hour of 2:00 p.m., be vacated and continued for at least sixty (60) days to a date and time
21 that is convenient to this Honorable Court.

22 The request for a continuance is based upon the following:

- 23 1. Defense Counsel is continuing to work on mitigation issues related to sentencing that
24 must be resolved before sentencing.
- 25 2. Counsel for Mr. Leyva has spoken with AUSA Kevin Schiff, and the Government
26 agrees to the continuance.
- 27 3. The additional time requested by this Stipulation to Continue Sentencing is reasonable
28 pursuant to Fed.R.Crim.P. Rule 32(b)(2), which states that the "court may, for good
cause, change any time limits prescribed in this rule."

- 1 4. The additional time requested herein is not sought for the purposes of undue delay.
- 2 5. Additionally, denial of this request for a continuance could result in a miscarriage of
- 3 justice.

4 DATED: December 12, 2019

5 Respectfully submitted,

6

7 /s/ Thomas A. Ericsson
8 Thomas A. Ericsson, Esq.
9 Oronoz & Ericsson, LLC
10 1050 Indigo Dr., Suite 120
11 Las Vegas, Nevada 89145
12 Attorney for Defendant Leyva

/s/ Kevin Schiff
Kevin Schiff, Esq.
Assistant United States Attorney
District of Nevada
501 Las Vegas Blvd. South, Suite 1100
Las Vegas, Nevada, 89101
Attorney for the United States of America

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,
Plaintiff,

vs.

JAVIER LUGO LEYVA, aka JOSE JULIAN
CORDOVA OBRADOR, aka PEDRO
CASTRO-MEDINA,
Defendant.

CASE NO.: 2:18-cr-400-JAD-EJY-2

**FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND ORDER**

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds:

1. Defense Counsel is continuing to work on mitigation issues related to sentencing that must be resolved before sentencing.
2. Counsel for Mr. Leyva has spoken with AUSA Kevin Schiff, and the Government agrees to the continuance.
3. The additional time requested by this Stipulation to Continue Sentencing is reasonable pursuant to Fed.R.Crim.P. Rule 32(b)(2), which states that the “court may, for good cause, change any time limits prescribed in this rule.”
4. The additional time requested herein is not sought for the purposes of undue delay.
5. Additionally, denial of this request for a continuance could result in a miscarriage of justice.

CONCLUSIONS OF LAW


The ends of justice served by granting said continuance outweigh the best interests of the public in proceeding with the sentencing hearing as scheduled, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the defendant

1 the opportunity to appear for his sentencing hearing, taking into account the exercise of due
2 diligence.

3 **ORDER**

4 IT IS THEREFORE ORDERED that the Sentencing date in this matter scheduled for
5 December 16, 2019, be vacated and continued to February 18, 2020, at the hour of
6 10:00 a.m.

7 DATED this 13th day of December, 2019.
8

9
10 
11 _____
12 UNITED STATES DISTRICT JUDGE
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28